

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JUAN PABLO GARNICA,

Petitioner,

v.

No. 24-cv-239 SMD/GBW

HECTOR RIOS, Warden, and  
ATTORNEY GENERAL FOR  
THE STATE OF NEW MEXICO,

Respondents.

**ORDER TO ANSWER**

This matter is before the Court on Petitioner Juan Pablo Garnica's 28 U.S.C. § 2254 Habeas Corpus Petition (Doc. 1) (Petition), filed March 8, 2024. Garnica is incarcerated, proceeding *pro se*, and paid the required filing fee. Garnica challenges his state convictions for ten counts of criminal sexual contact of a minor and four counts of intimidation of a witness, alleging insufficiency of evidence and improper amendments to the indictment. *See* (Doc. 1) at 8-9; *see also* Documents filed in State Case Nos. D-307-CR-2019-00484, A-1-CA-40704, and S-1-SC-39813 (indicating Garnica was sentenced on August 26, 2022; the New Mexico Court of Appeals denied his direct appeal on February 22, 2023; and the New Mexico Supreme Court denied his petition for a writ of certiorari on March 14, 2023). Having reviewed the Petition pursuant to Habeas Corpus Rule 4, the Court will order an answer.

**IT IS THEREFORE ORDERED** that the Clerk shall mail copies of this Order and the Petition (**Doc. 1**) to Respondent Attorney General of the State of New Mexico (AG) at the following address:

Attn: Federal Habeas Attorney(s)  
New Mexico Department of Justice (formerly known as the Attorney General's Office)  
Criminal Appeals Division  
201 Third St. NW, Suite 300, Albuquerque, NM 87102

**IT IS FURTHER ORDERED** that the AG must answer the Petition within **30 days** of entry of this Order. The answer must address the merits of each claim. If the Petition is mixed, such that it contains both exhausted and unexhausted claims, the AG shall take a position on how to proceed (*i.e.*, stay the proceeding, dismiss the unexhausted claims, overlook the defect and deny the claim(s) on the merits, etc.). The AG must attach to its answer copies of all pertinent filings from the state trial court, the state court of appeals, and the state supreme court; including memoranda filed by both parties. The AG must also attach to the answer copies of all state post-conviction or appellate proceedings and any transcripts that are needed to resolve the claims. Any transcripts must be written; the Court will not accept audio recordings in lieu of a written transcript.

**IT IS FURTHER ORDERED** that if Garnica wishes to file an optional reply, he must do so within **30 days** after the AG's response is filed.

  

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SARAH M. DAVENPORT  
UNITED STATES DISTRICT JUDGE